

By: Canales

H.B. No. 2448

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the verification of the incarceration of an accused  
3 person in a criminal case for the purpose of discharging a surety's  
4 liability on a bail bond.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 17.16(a), Code of Criminal Procedure, is  
7 amended to read as follows:

8 (a) A surety may before forfeiture relieve the surety of the  
9 surety's undertaking by:

10 (1) surrendering the accused into the custody of the  
11 sheriff of the county where the prosecution is pending; or

12 (2) delivering to the sheriff of the county in which  
13 the prosecution is pending and to the office of the prosecuting  
14 attorney an affidavit stating that the accused is incarcerated in:

15 (A) federal custody[~~, subject to Subsection~~  
16 ~~(a-1)~~];

17 (B) the custody of any state; or

18 (C) any county of this state.

19 SECTION 2. Article 17.16(a-1), Code of Criminal Procedure,  
20 is repealed.

21 SECTION 3. Article 17.16, Code of Criminal Procedure, as  
22 amended by this Act, applies only to a bail bond that is executed on  
23 or after the effective date of this Act. A bail bond executed  
24 before the effective date of this Act is governed by the law in

1 effect on the date the bail bond was executed, and the former law is  
2 continued in effect for that purpose.

3 SECTION 4. This Act takes effect September 1, 2021.